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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,589	03/12/2004	Martin Kartzmark	60655.7200	2588
66569 7590 12/27/2006 FITZPATRICK CELLA (AMEX) 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER VY, HUNG T	
			ART UNIT 2163	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/27/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/708,589

**Applicant(s)**

KARTZMARK ET AL.

**Examiner**

Hung T. Vy

**Art Unit**

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This is a response to Applicant's amendment filed 10/16/2006. In virtue of this amendment, claims 4-12 remain pending in this application of which claims 1-3 have been canceled and claims 8-12 have been added. Upon reconsideration, the rejection of claims 4-7 by Fernandez et al. mailed on 6/15/2006 is hereby withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Fernandez et al. and Kuznetso. The Applicant's arguments about the 101 rejection are not persuasive (see the explain in the rejection 101 section below).

### **Summary of claims**

2. Claims 4-12 are pending.

Claims 4-12 are rejected.

### **Claim Rejections - 35 USC, 101**

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

Claims 4-7 are rejected under 35 U.S.C. 101 because the claims are directed to a non-statutory subject matter, specifically, the claims are not directed towards the final result that is "useful, tangible and concrete.

With respect to claims 4, 8 and 12, claims 4, 8 and 12 are directed to method of accessing data. This claimed subject matter lacks a practical application of a judicial

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exception (law of nature, abstract idea, naturally occurring article/phenomenon) since it fails to produces a useful, and tangible result.

Specifically, the claimed subject matter does not produce a useful and tangible result:

A useful results because the claimed subject matter fails to sufficiently reflect at least one practical utility set forth in the descriptive portion of the specification. More specifically, while the describe practical utility (utilities) is (are) directed to method of accessing data, the claimed subject matter relates ONLY to transform the data into a transaction infrastructure response object using an output element of the data service transaction.

A tangible result because the claimed subject matter fails to produce a result that is limited to having real world value rather than a result that may be interpreted to be abstract in nature as, for example, a thought, a computation, or manipulated data. More specifically, the claimed subject matter provides for transforming the data into a transaction infrastructure response object using an output element of the data service transaction.

Claims 5-7, and 9-11 depend from rejected claim 4, and 8 thereby render these dependent claims as nonstatutory.

### **Claim Rejections - 35 USC § 112**

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 recites the limitation "the requested data" in line 9, "the data" in line 11. There is insufficient antecedent basis for this limitation in the claim. More importantly, the claim remains unclear as to what the requested data and the data mean.

Claim 8 shares the same deficiency, as it fails to positively define what the requested data in line 16 and the data in line 18 encompasses. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 shares the same deficiency, as it fails to positively define what the requested data in line 10 and the data in line 11 encompasses. There is insufficient antecedent basis for this limitation in the claim.

6. Claims 4-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 4, 8 and 12, the phrase "an input element of the data service transaction" renders claim(s) indefinite because it is unclear what's an input element of the data service. The specification fails to define what is an input element of the data service.

With respect to claims 4, 8 and 12, the phrase "an output element of the data service transaction" renders claim(s) indefinite because it is unclear what's an output element of the data service. The specification fails to define what is an output element of the data service.

With respect to claim 4-7, and 9-11, claims 4-7 and 9-11 depend from rejected claims 4 and 8 thereby render these dependent claims indefinite.

**Claim Rejections - 35 USC § 103**

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez et al. (U.S. Patent No. 6,604,100) in view of Kuznetsov (U.S. Patent No. 6,772,413).

With respect to claim 4, 8 and 12, with best understood, Fernandez et al. discloses a method of accessing data, comprising: receiving a transaction infrastructure object requesting data (i.e. "user query" (see fig. 1); converting (104)(fig. 1) the transaction infrastructure object into a different format; sending the converted transaction infrastructure object (SQL)(→)(the arrow from the translator to RDBMS)(see fig. 1) to a data source (110)(see fig. 1); obtaining the request data (→)(the arrow from RDBMS to XML generator)(see fig. 1) from the data source (RDBMS)(see fig. 1); but Fernandez et al. does not disclose receiving a data service transaction name; retrieving a data service transaction corresponding to the data service transaction name converting the transaction infrastructure object into a different format using an input element of the data service transaction and transforming the data into a transaction infrastructure response object using an output element of the data service transaction. However, Kuznetsov discloses receiving a data service transaction name (FMRFD) (709)(see fig. 6);

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retrieving a data (707) service transaction corresponding to the data service transaction name (709); converting (703)(i.e. "data translator") (see fig. 6) the transaction infrastructure object (701)(i.e. "NewCo")(figure 6) into a different format (see column 12, line 39-51 or column 10, line 55-68)) using an input element of the data service transaction (703)(i.e. "DATA TRANSLATOR")(see fig. 6) and transforming the data (705) (i.e. "OldCo")(see fig. 6) into a transaction infrastructure response object (701)(i.e. "NewCo")(figure 6) using an output element of the data service transaction(703)(i.e. "DATA TRANSLATOR")(see fig. 6).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Fernandez et al. by using the a data service transaction code in order to perform a bi-directional translation between the two steam of transaction with different data format and provide a unique solution to the growing problem of integrating disparate or incompatible computer systems, file formats, network protocols or other machine data since such using a data service transaction code for state purpose has been well known in the art as evidenced by the teaching of Kuznetsov (see column 11, line 65-68 and column 12, line 1-5 or column 5, line 65-68 and column 6, line 1-5).

With respect to claims 5, 9, Fernandez et al. discloses step of transforming the data into a transaction infrastructure response object includes transforming the data into an XML format (See column 9, line 60-65); and transforming the XML format into a .NET response object (see column 25, line 55-60(java environment)).



With respect to claims 6-7, and 10-11, Fernandez et al. discloses transaction infrastructure object includes at least one of Java enterprise edition (see column 25, line 55-60).

### Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Vy whose telephone number is (571) 272-1954. The examiner can normally be reached on Monday-Friday 8:30 am - 5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax numbers for the

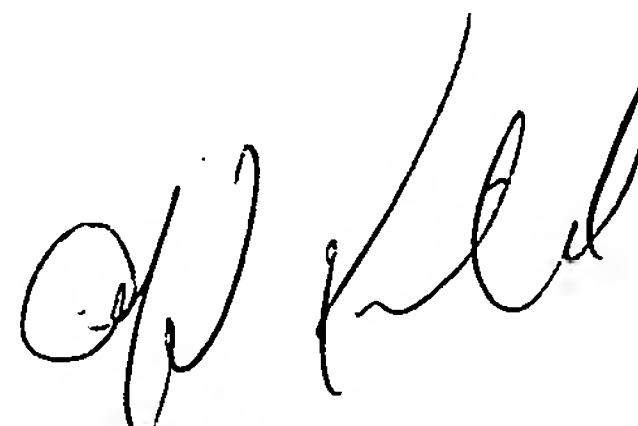


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organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 308-7722 for After Final communications.

Information regarding the status of an application may be obtained from the patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either private Pair or Public Pair. Status information for unpublished applications is available through Private Pair only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hung T. Vy  
Art Unit 2163  
December 15, 2006.



ALFORD KINDRED  
PRIMARY EXAMINER